IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 20TH JULY 2006 / 29TH ASHADHA,1928

Bail Appl..No. 4264 of 2006

(CRIME NO.128/2006 OF PALODE POLICE STATION)

PETITIONER/ACCUSED

SABU, S/O.VENU,
AGED 24, CHUNDACKARIYA, ROADARIKATHUVEEDU,
VALIYATHANNIMOODU, PALODE, THIRUVANANTHAPURAM.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING CIRCLE INSPECTOR OF
POLICE, PALODE POLICE STATION.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4264/2006

DATED THIS THE 20TH DAY OF JULY, 2006

O R D E R

The petitioner is accused of the offence punishable under sections 366A and 376 IPC, in crime No.128/2006 of Palode Police Station. The allegation is that the petitioner, an electrician, aged 24, had abducted a girl aged about 17 and at the instance of her father, crime had been registered. When the application, under Section 438 Cr.P.C. came up for consideration, the learned counsel for the petitioner submitted that he is married to Roja, the girl with whom, he was in love for the last two years, and the marriage was as per the Hindu Religious Rights and Custom of the Community, at Attukal Bhagavathy Temple, and therefore, the offence alleged against him may not lie.

2. In the facts situation, I direct the petitioner to surrender before the investigation officer, in crime No.128/2006 of Palode Police Station, on 28.7.2006

between 10.30 a.m and 11.00 a.m. The investigating officer shall interrogate the petitioner and thereafter, release him on bail, if he is arrested in connection with the above crime. The investigating officer shall also peruse the documents, that may be produced by the petitioner regarding the age of the victim and the petitioner, as well as the marriage certificate together and its genuineness.

3. The petitioner shall report before the investigating officer as and when required till 21.8.2006, for the purpose of completion of the investigation.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs